

United States District Court

Southern District of Texas

Case Number: CA - 05 - 1073

ATTACHMENT

Description:

State Court Record State Court Record Continued

Administrative Record

Document continued - Part _____ of _____

Exhibit to: _____
number(s) / letter(s) _____

Other: Tab 1 - Exhibits E 4-6

Tab 1
Exhibit E-4

to Request for Production Nos. 75 and 85 - 87 within fifteen (15) business days from the signing of this Order.

SIGNED this 19 day of Nov, 2003.

NOV 19 2003


JUDGE PRESIDING

AGREED AS TO FORM:

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ML CBO IV (Cayman) Ltd.,
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Attorneys for Defendant
Ryder Scott Company

2003-39194

CAUSE NO. 03-819-I

HIGHLAND CAPITAL MANAGEMENT, §
L.P., et al., §

IN THE DISTRICT COURT

F. I. CHARLES E. E. D.
District Court

Plaintiffs, §

v. §

RYDER SCOTT COMPANY, §

Defendant. §

DALLAS COUNTY, TEXAS
Harris County, Texas

By _____

Deputy

162ND JUDICIAL DISTRICT

ORDER GRANTING MOTION TO TRANSFER VENUE 286

After considering Defendant Ryder Scott Company's Motion to Transfer Venue, the response, the pleadings, the affidavits and other proof submitted by the parties, and the parties' argument, the Court GRANTS the Motion and transfers the above-styled case to Harris County, Texas. It is, therefore,

ORDERED that the above-styled case be transferred to Harris County, Texas.

Signed this 20th day of June, 2003.



JUDGE PRESIDING

Cause No. 200339194

DCORX

HIGHLAND CAPITAL MANAGEMENT L

IN THE DISTRICT COURT OF

VS

HARRIS COUNTY, TEXAS

RYDER SCOTT COMPANY

234TH JUDICIAL DISTRICT

DOCKET CONTROL ORDER

The following docket control order shall apply to this case unless modified by the court. If no date is given below, the item is governed by the Texas Rules of Civil Procedure.

1. **11/07/03 JOINDER.** All parties must be added and served, whether by amendment or third party practice, by this date. THE PARTY CAUSING THE JOINDER SHALL PROVIDE A COPY OF THIS DOCKET CONTROL ORDER AT THE TIME OF SERVICE.

2. **EXPERT WITNESS DESIGNATION.** Expert witness designations are required and must be served by the following dates. The designation must include the information listed in Rule 194.2(f). Failure to timely respond will be governed by Rule 193.6.

- (a) **02/07/04** Experts for parties seeking affirmative relief.
- (b) **03/07/04** All other experts.

3. **STATUS CONFERENCE.** Parties shall be prepared to discuss all aspects of the case, including ADR, with the court on this date. TIME: Failure to appear will be grounds for dismissal for want of prosecution.

4. **DISCOVERY LIMITATIONS.** The discovery limitations of Rule 190.2, if applicable, or otherwise of Rule 190.3 apply unless changed below:

- (a) Total hours per side for oral depositions.
- (b) Number of interrogatories that may be served by each party on any other party.

5. **ALTERNATIVE DISPUTE RESOLUTION.**

(a) **07/07/03** By this date, the parties must either (1) file an agreement for ADR stating the form of ADR requested and the name of an agreed mediator, if applicable; or (2) set an objection to ADR. If no agreement or objection is filed, the court may sign an ADR order.

(b) **02/02/04** ADR conducted pursuant to the agreement of the parties must be completed by this date.

6. **03/26/04 DISCOVERY PERIOD ENDS.** All discovery must be conducted before the end of the discovery period. Parties seeking discovery must serve requests sufficiently far in advance of the end of the discovery period that the deadline for responding will be within the discovery period. Counsel may conduct discovery beyond this deadline by agreement. Incomplete discovery will not delay the trial.

7. **DISPOSITIVE MOTIONS AND PLEAS.** Must be set for hearing or submission as follows:

- (a) **12/07/03** Dispositive motions or pleas subject to an interlocutory appeal must be set by this date.
- (b) **03/19/04** Summary judgment motions not subject to an interlocutory appeal must be set by this date.
- (c) **02/29/04** Rule 166a(i) motions may not be set before this date.

8. **03/26/04 CHALLENGES TO EXPERT TESTIMONY.** All motions to exclude expert testimony and evidentiary challenges to expert testimony must be filed by this date, unless extended by leave of court.

9. **03/26/04 PLEADINGS.** All amendments and supplements must be filed by this date. This order does not preclude prompt filing of pleadings directly responsive to any timely filed pleadings.

10. **04/15/04 DOCKET CALL.**

Parties shall be prepared to discuss all aspects of trial with the court on this date. TIME: 9:00 AM. Failure to appear will be grounds for dismissal for want of prosecution.

11. **04/26/04 TRIAL.** If not assigned by the second Friday following this date, the case will be reset.

SIGNED

JEFFREY R ELKIN
700 LOUISIANA 35 FL
HOUSTON TX 77002

BRUCE D. OAKLEY
JUDGE, 234TH DISTRICT COURT
DATE GENERATED: 07/30/2003

06522180

JCV002
Rev 01192000

R 123

CAUSE NO. 2003-39194

ca

JNPAX

HIGHLAND CAPITAL MANAGEMENT,
 L.P., ML CBO IV (Cayman) LTD., PAMCO
 CAYMAN, LTD., PAM CAPITAL
 FUNDING, L.P.,

Plaintiffs,

v.

RYDER SCOTT COMPANY,

Defendant.

IN THE DISTRICT COURT
 CHARLES L. BACARISSE, Jr.
 District Clerk D
 NOV 10 2003 10am
 By Harris County, Texas
 HARRIS COUNTY TEXAS CM
 Deputy

234TH JUDICIAL DISTRICT

**ORDER GRANTING PLAINTIFFS' MOTION TO EXTEND
 DEADLINE FOR ADDING PARTIES (UNOPPOSED)**

On this day came on to be heard Plaintiffs' Motion To Extend Deadline For Adding Parties in the above-styled and numbered cause. After considering same, and having noted that this motion is unopposed, the Court is of the opinion that Plaintiffs' motion is well taken and should be GRANTED. It is, therefore,

ORDERED that Plaintiffs' Motion To Extend Deadline For Adding Parties is GRANTED.

It is further

ORDERED that joinder of any new parties shall occur through pleadings filed no later than November 21, 2003, and that service upon any newly added parties shall occur through the exercise of reasonable diligence immediately thereafter.

SIGNED this 10th day of November, 2003.

NOV 10 2003



JUDGE PRESIDING

STATE OF TEXAS
COUNTY OF HARRIS

I, Charles Bacarisse, District Clerk of Harris County, Texas, do hereby certify that the foregoing data is a true and correct copy of the original record, now in my lawful custody and possession as appears of record in my office and/or
a) filed on 04/19/2004 Page 1003
b) recorded under Vol. 1003 Page 1003
in the Minutes of said Court
c) abstracted from the original record in my lawful possession, electronically, stored in digital form and pertaining to the 1003
in reference to cause number 1003, or
d) abstracted from the original record in my lawful possession, electronically, stored in digital form pertaining to 1003
from 04/19/2004 to the present date.

Witness my official hand and seal of office this

FEB 26 2004
CHARLES BACARISSE, DISTRICT CLERK
Harris County, Texas

M. Bacarisse REC'D
M. Bacarisse

CAUSE NO. 2003-39194

cm

ENTY

HIGHLAND CAPITAL MANAGEMENT, §
L.P., et al. §
§

Plaintiffs,

v.

RYDER SCOTT COMPANY,

Defendant.

IN THE DISTRICT COURT
CHARLES E. BACARISSE, Jr.
District ClerkNOV 10 2003
By Harris County, Texas
HARRIS COUNTY, TEXAS
Deputy

234TH JUDICIAL DISTRICT

OVERRULING
ORDER SUSTAINING RYDER SCOTT'S OBJECTION
TO THE AFFIDAVIT OF PATRICK H. DAUGHERTY

On this day came on to be heard Defendant Ryder Scott Company's ("Ryder Scott") Objection to the affidavit of Patrick H. Daugherty in connection with Defendant's Motion for an Order Compelling Discovery in the above-styled and numbered cause (the "Motion"). After considering same, any response thereto, the pleadings on file, and any arguments of counsel, the Court determines that the Objection should be SUSTAINED in its entirety. It is, therefore,

ORDERED that Defendant's Objection to the affidavit of Patrick H. Daugherty served and filed by Plaintiffs in connection with their response to the Motion is SUSTAINED, and such testimony as appears in the affidavit shall not be considered in connection with the Motion.

SIGNED this 10th day of November, 2003.

NOV 10 2003

JUDGE PRESIDING

STATE OF TEXAS
COUNTY OF HARRIS

I, Charles Bacarisse, District Clerk of Harris County, Texas, do hereby certify that the foregoing data is a true and correct copy of the original record, now in my lawful custody and possession as appears of record in my office and/or

a) filed on NOV 10 2002
b) recorded under 10/10/02 Page 1
in the 10th district of said County
c) abstracted from the original record in my lawful possession, electronically, stored in digital form and pertaining to the 10/10/02 in reference to cause number 10-15150, or
d) abstracted from the original record in my lawful possession, electronically, stored in digital form pertaining to the present date.

Witness my official hand and seal of office this

CHARLES BACARISSE, DISTRICT CLERK
Harris County, Texas

Plains County, Texas
By M. H. Murphy ^{notary public}
M. Vasquez

P-

CAUSE NO. 2003-39194

HIGHLAND CAPITAL MANAGEMENT, §
L.P., et al. §

Plaintiffs, §

v. §

RYDER SCOTT COMPANY, §

Defendant. §

IN THE DISTRICT COURT
CHARLES RACARISSE, Clerk
District Clerk D

NOV 18 2003 145
By Harris County, Texas pm
HARRIS COUNTY, TEXAS
Deputy

234TH JUDICIAL DISTRICT

**ORDER ON DEFENDANT'S MOTION
FOR ORDER COMPELLING DISCOVERY**

On this day came on to be heard Defendant Ryder Scott Company's ("Ryder Scott") Motion For Order Compelling Discovery in the above-styled and numbered cause. After considering same, any response thereto, the pleadings on file, and any arguments of counsel, the Court determines that the Motion For Order Compelling Discovery should be GRANTED in part and DENIED in part.

It is, therefore,

ORDERED that Defendant's Motion For Order Compelling Discovery is GRANTED in part and DENIED in part. It is further

ORDERED that Plaintiffs' objections to Ryder Scott's Interrogatory No. 5 and Requests for Production Nos. 61 - 64, 71 - 74, and 79 - 84 are sustained, except that, with regard to Request for Production Nos. 61 - 64, Plaintiffs are required to provide within fifteen (15) business days from the signing of this Order information and documents concerning any litigation arising out of any investment in any oil and gas exploration and production company. It is further

ORDERED that Plaintiffs' objections to Ryder Scott's Request for Production Nos. 75 and 85 - 87 are overruled and that Plaintiffs shall fully respond to and produce all documents responsive

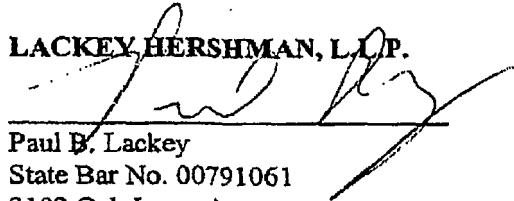
to Request for Production Nos. 75 and 85 - 87 within fifteen (15) business days from the signing of this Order.

SIGNED this _____ day of _____, 2003.

JUDGE PRESIDING

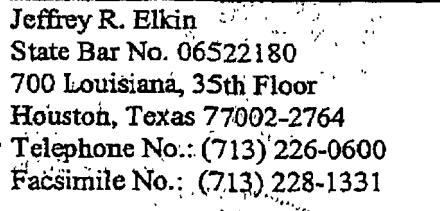
AGREED AS TO FORM:

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 Pam Capital Funding, L.P.

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Attorneys for Defendant
 Ryder Scott Company

STATE OF TEXAS
COUNTY OF HARRIS

I, Charles Bacarisse, District Clerk of Harris County, Texas, do hereby certify that the foregoing data is a true and correct copy of the original record, now in my lawful custody and possession as appears of record in my office, and/or:

a) filed in the County 18,03 Page 1
b) recorded under Vol. 2 Page 1
in the Minutes of said Court
c) abstracted from the original record in my lawful possession, electronically, stored in digital form and pertaining to the
in reference to cause number or
d) abstracted from the original record in my lawful possession, electronically, stored in digital form and pertaining to the
from to the present date.

Witness my official hand and seal of office this
FEB 26 2004

CHARLES BACARISSE, DISTRICT CLERK
Harris County, Texas

Charles Bacarisse
M. J. DeSousa

1
Exhibit E-5

2003-39194FILED: 07/11/2003

GENERAL ORDER OF THE COURT

HIGHLAND CAPITAL MANAGEMENT, L.P.
PLAINTIFFS

SZYMANSKI, EDWARD J. JR.

Attorney

NATURE OF ACTION

DAMAGES (OTH)

VS.

SETTINGS

Nov. 10, 2003 - Order Grant
Final Deadline. (TNP)
NOV 19 2003 - Order or
Discovery agreed as to

RYDER SCOTT COMPANY

DEFENDANTS

ELKIN, JEFFREY R.

Attorney

SURETIES ON COST BOND:

STATE OF TEXAS
COUNTY OF HARRIS

I, Charles Bacarisse, District Clerk of Harris County, Texas, do hereby certify that the foregoing data is a true and correct copy of the original record, now in my lawful possession and in possession as appears of record book 11 EVIDENCE.

a) filed at 11 EVIDENCE
b) recorded in book 11 EVIDENCE

c) abstracted from the original record in my lawful possession, electronically stored in digital form and retaining a copy of the original record.

or
d) abstracted from the original record in my lawful possession, electronically stored in digital form pertaining to 11 EVIDENCE from 11 EVIDENCE to the present date.

Witnesses my official hand and seal of office this

FEB 26 2004

CHARLES BACARISSE, DISTRICT CLERK
Harris County, Texas

m. bacarisse
m. bacarisse

Total
Exhibit E-6

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

HIGHLAND CAPITAL §
MANAGEMENT, LP., ML CBO IV §
(CAYMAN) LTD., PAMCO CAYMAN, §
LTD., and PAM CAPITAL FUNDING, L.P. §
§
Plaintiffs, §
§
VS. § CIVIL ACTION NO. _____
§
§
CHESAPEAKE ENERGY §
CORPORATION, §
§
§
Defendant. §

COUNSEL OF RECORD

PLAINTIFFS' COUNSEL:

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CHESAPEAKE ENERGY CORPORATION'S COUNSEL:

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Designated of Counsel

RYDER SCOTT CO.'S COUNSEL:

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UNSERVED DEFENDANT:

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Huntingdon Condominiums
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Houston, TX 77019

Respectfully submitted,

CLEMENTS, O'NEILL, PIERCE,
WILSON & FULKERSON, L.L.P.

By: _____

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State Bar No. 15995400

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214-220-7716 Telecopier
Designated of Counsel

ATTORNEYS FOR THE REMOVING DEFENDANT
CHESAPEAKE ENERGY CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on the following by the method(s) indicated on this the 27th day of February 2004:

Hand Delivery Telecopier Certified Mail, RRR Regular U.S. Mail

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713-228-1331 Telecopier
Attorney for Defendant Ryder Scott Co.

Mr. Robert A. Hefner, III
Huntingdon Condominiums
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Houston, TX 77019
Defendant - Unserved

Jesse R. Pierce

